

MONTANA LEGISLATIVE HISTORY

Chapter 187 1967

Bill H 323 S _____ Original bill & history ____C

H. Committee on Judiciary

Hearing Date(s) Jan 25 ✓C

Jan 26 ✓C

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Date Out _____C

S. Committee on Judiciary

Hearing Date(s) Feb 17 ✓C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

HOUSE JUDICIARY COMMITTEE

January 25, 1967

The House Judiciary Committee met upon adjournment January 25 in the committee room. Chairman Mather presided. All members were present except Mr. Sullivan, who was excused.

HB 337, relating to fees and mileage for interpreters, was discussed. Rep. Gilligan, chief sponsor, spoke on behalf of the bill.

Mr. Stratton, chief sponsor of 398, spoke on its behalf. It is a bill which authorizes the reproduction of records under certain conditions.

Rep. Ulmer, chief sponsor of HB 291, appeared on its behalf. This bill provides for a diagnostic center for juvenile delinquents. Another proponent appearing was:

Floyd Green, Director, Department of Institutions.

HB 292, Interstate Compact on Juveniles, was considered, and appearing as proponents were:

James Lucas, chief sponsor
John Thomas, Director, Department of Institutions After-Care Services.

HB 240, to increase salaries of court reporters, was presented, and speaking on its behalf were:

Rep. Hall, chief sponsor
John Risken, Attorney for Court Reporters Association
Joe S. Smith, President of Montana Court Reporters Association, Billings, Montana
Philip R. Fordahl, for Montana Court Reporters Association

HB 275, creating the position of criminal investigator, had the following proponents testifying:

Al Coate, First Assistant Attorney General
Robert Remington, Sheriff from Liberty County
Dave Middlemas, Sheriff from Lewis & Clark County
John Krsul, Sheriff from Cascade County
George Paradis, Sheriff from Jefferson County
Everett Burt, Sheriff's Department, Powell County
Malcolm Henry, Sheriff of Broadwater County
Ed Shubat, County Commissioner from Cascade County
Martin Mangas, Criminal Investigator.

Rep. Hall moved that HB 414 DO NOT PASS. Motion carried unanimously.

HB 373 was discussed by Rep. Harrison, chief sponsor.

Mr. Murphy moved that HB 337 DO NOT PASS. Mr. Stimatz moved by substitute motion that it DO PASS. The motion carried.

JUDICIARY COMMITTEE

January 26, 1967

The House Judiciary Committee met January 26, 1967, upon adjournment. Chairman Mather presided. All members of the committee were present except Goan, McCulloch, Hemstad, Hall and Prevost, who were excused.

HB 297, an act making it unlawful to obtain with intent to defraud, food, lodging, etc., was discussed by Representative Lundgren, sponsor.

HB 405, regarding the setting aside of a sale of state lands which was made in violation of law, was discussed. Appearing as proponents were:

Representative Schye, sponsor
Selden S. Frisbee, Attorney, Cut Bank, Montana

Committee action was as follows:

HB 297. Mr. Wallander moved that the bill be amended by deleting section 2 (c). The motion failed. Mr. Murphy then moved that HB 297 DO PASS. The motion carried.

HB 405. Boughton moved that it DO NOT PASS. The motion carried.

HB 523. Warfield moved that it DO NOT PASS. The motion carried unanimously.

HB 349. Chief Justice Harrison testified in support thereof. Mr. Sullivan moved that HB 349 DO PASS. The motion carried unanimously.

HB 373, held over from yesterday, was brought before the committee for action. Harrison moved that the amendment be adopted as proposed, which is as follows:

At line 7 of the original bill in the title delete the period and quotation mark and insert in lieu thereof the following: "AND PROVIDING FOR PAYMENT OF INTEREST." And further by adding in line 21, page 1, after the words "the area" the following: ", not to exceed the sum of six thousand dollars (\$6,000) in the case of a business relocation, and not to exceed the sum of four hundred dollars (\$400.00) in any other case."

And further by deleting at line 11, page 2, of the original bill the following: "Section 2. This act is effective upon its passage and approval."

and that, as amended, HB 373 DO PASS. Carried.

There being no further business, the meeting adjourned.



W. S. MATHER, CHAIRMAN

The previous amendment was proposed to House Bills 327, 328 and 329. Senator Rehberg made a motion, seconded by Senator Hibbs, that the amendments be adopted. The motion was carried. Senator Gilfeather moved, seconded by Senator McGowan, that House Bill No. 327, as amended, be concurred in. The motion was carried.

Senator Gilfeather moved, seconded by Senator Dzivi, that House Bill No. 328, as amended, be concurred in. The motion was carried.

Senator Gilfeather moved, seconded by Senator Rehberg, that House Bill No. 329, as amended, be concurred in. The motion was carried.

After consideration of House Bill No. 398, it was moved by Senator Dzivi, seconded by Senator Turnage, that House Bill No. 398 be concurred in. The motion was carried.

After consideration of House Bill No. 449, Senator Turnage made a motion, seconded by Senator McGowan, that House Bill No. 449 be concurred in. The motion was carried.

After consideration of House Bill No. 475, it was moved by Senator Rehberg, seconded by Senator Dzivi, that House Bill No. 475 be concurred in. The motion was carried.

After consideration of House Bill No. 348, Senator Turnage made a motion, seconded by Senator Dzivi, that House Bill No. 348 be not concurred in. The motion was carried.

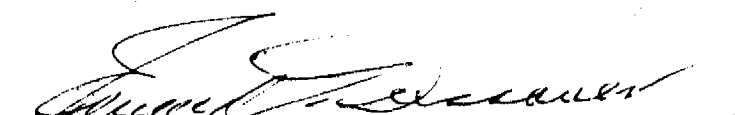
After consideration of House Bill No. 297, it was moved by Senator Rehberg, seconded by Senator Turnage, that House Bill No. 297 be concurred in. The motion was carried.

An amendment was offered to House Bill No. 373. After consideration, Senator Rasmussen made a motion, seconded by Senator McGowan, that the amendment be adopted. The motion was carried. Senator Rasmussen then moved, seconded by Senator Dzivi, that House Bill No. 373, as amended, be concurred in. The motion was carried.

After considering House Bill No. 220, Senator Rehberg made a motion, seconded by Senator Dzivi, that House Bill No. 220 be concurred in. The motion was carried.

After considering House Bill No. 291, it was moved by Senator Rasmussen, seconded by Senator Turnage, that House Bill No. 291 be concurred in. The motion was carried.

It was then moved by Senator McGowan, seconded by Senator Hibbs, that the meeting be adjourned. The motion was carried.



Senator Edward T. Dussault, Chairman

CHAPTER 186

An Act Amending Section 11-726, R.C.M. 1947, Relating to Salaries and Compensation of Police Judges, Providing That Same Must Be Fixed by Ordinance.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 11-726, R.C.M. 1947, is amended to read as follows:

Salaries of police judges. "11-726. **Salaries of police judges.** The annual salary and compensation of police judges must be fixed by ordinance."

Approved: February 28, 1967.

CHAPTER 187

An Act to Amend Section 93-9913, Revised Codes of Montana, 1947, as Amended by Chapter 182, Laws of 1965, Relating to Payment for Removal of Personal Property in Eminent Domain Proceedings and Providing for Payment of Interest.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 93-9913, Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Date of compensation assessment. "93-9913. **The date with respect to which compensation shall be assessed.** For the purpose of assessing compensation the right thereto shall be deemed to have accrued at the date of the service of the summons, and its actual value as of that date shall be the measure of compensation for all property to be actually taken, and the basis of depreciation in value of property not actually taken, but injuriously affected, and the reasonable cost of removal of all necessary personal property from the condemned real property within a reasonable distance in the area, not to exceed the sum of six thousand dollars (\$6,000) in the case of a business, farm or ranch relocation, and not to exceed the sum of four hundred dollars (\$400) in any other case. This shall not be construed to limit the amount of compensation payable by the state highway commission under the provisions of any legislation enacted pursuant to

Cost of removal.

the Federal Highway Beautification Act of 1965. If an order be made letting the plaintiff into possession, as provided in section 93-9920, the full amount finally awarded shall draw lawful interest from the date on which the property owner surrenders possession of the property in accordance with the terms of such order to the earlier of the following dates:

(a) The date on which the right to appeal to the Montana supreme court expires, or if appeal is filed, to the date of final decision by the supreme court, or

(b) The date on which the property owner withdraws from court the full amount finally awarded.

If the property owner withdraws from court a fraction of the amount finally awarded, interest on such fraction shall cease on the date it is withdrawn but interest on the remainder of the amount finally awarded shall continue to the earlier of the aforesaid dates defined in (a) and (b) of this section. None of the amount finally awarded shall draw interest after the date on which the right to appeal to the Montana supreme court expires. No improvements put upon the property, subsequent to the date of the service of summons, shall be included in the assessment of compensation or depreciation in value, nor shall the same be used as the basis of computing such compensation or depreciation."

Approved: February 28, 1967.

CHAPTER 188

An Act to Provide That an Individual Who Has Received a Lump Sum Settlement Under the Workmen's Compensation Law Shall Not Be Barred From Receiving Benefits Under the Unemployment Compensation Law for Any Week Except for the Week in Which the Lump Sum Payment is Paid; Amending Section 87-106, R.C.M. 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 87-106, R.C.M. 1947, is amended to read as follows:

Amending clause.